

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

9 Vu Van Le, ) No. CV-09-1196-PHX-ROS  
10 Petitioner, ) **ORDER**  
11 vs. )  
12 Katrina S. Kane, et al., )  
13 Respondents. )  
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17 Magistrate Judge David K. Duncan recommends the petition for writ of habeas corpus  
18 be denied as moot. The Court will adopt the Report and Recommendation in full.

19 A district judge “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has  
21 filed timely objections to the magistrate judge’s report and recommendations, the district  
22 court’s review of the part objected to is to be *de novo*. *Id.*; *see also United States v. Reyna-*  
23 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
24 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of  
25 factual and legal issues is required if objections are made, but not otherwise.”) (internal  
26 quotations and citations omitted).

27 No objections being made, the Court will adopt the Report and Recommendation in  
28 full.

1           Accordingly,

2           **IT IS ORDERED** the Report and Recommendation is **ADOPTED** and the Petition  
3 (Doc. 1) is **DENIED AS MOOT**. The Clerk of Court shall close this case.

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5           DATED this 28th day of August, 2009.

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Roslyn O. Silver  
United States District Judge